

Service Date: July 17, 1985

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER Of The Application	)	
Of BURLINGTON NORTHERN For	)	UTILITY DIVISION
Authority To Transfer The Assets and	)	
Operating Responsibilities of Burlington	)	DOCKET NO. 85.5.19
Northern Water Properties To The Somers	)	
Water District.	)	DEFAULT ORDER NO. 5147

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1. On May 1, 1985, a petition was filed with the Montana Public Service Commission requesting that the Commission, pursuant to jurisdiction established by 69-3-101 et seq., MCA, authorize the transfer of the assets and operating responsibilities of the Burlington Northern Water properties to the newly formed Somers Water District. The Somers Water District proposes to continue water service to all consumers previously supplied by the Burlington Northern. Transfer of the assets will not in itself result in a rate increase, according to the Applicant's petition.

2. On May 31, 1985, the Commission issued a Notice of Opportunity for Public Hearing, which was sent to the Montana Consumer Counsel and was published in the Daily Interlake, Kalispell, Montana. The Notice gave interested parties until July 3, 1985, to request a hearing on the Application. No such requests were received.

3. A review of the Application indicates no threat to the adequacy or availability of service to the utility's customers.

4. The proposed new owner appears to have the financial and other resources

necessary to provide adequate service in the future.

### CONCLUSIONS OF LAW

1. This Commission has jurisdiction over the parties and matters contained in this docket.
2. The application demonstrates that transfer of ownership will not result in inadequate service or unreasonable rates.
3. The proposed new owner is fit, willing and able to assume the service responsibilities associated with ownership of the water system now owned by Burlington Northern.

### ORDER

IT IS HEREBY ORDERED BY THE PUBLIC SERVICE COMMISSION THAT:

1. Burlington Northern is hereby authorized to transfer its assets and operating responsibilities to the Somers Water District.
2. Upon transfer, the Somers Water District shall file tariffs in its name that are identical to those currently in effect for provision of service to consumers in Somers, Montana.
3. Upon transfer, the Somers Water District, is ordered to inform the Commission of the terms and conditions of the transfer, including whether the price paid reflects original cost depreciated.

DONE AND DATED this 15th day of July, 1985, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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Clyde Jarvis, Chairman

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John B. Driscoll, Commissioner

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Howard L. Ellis, Commissioner

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Tom Monahan, Commissioner

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Danny Oberg, Commissioner

ATTEST:

Trenna Scofield  
Commission Secretary

Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 28.2.4806, ARM.